

**REMARKS**

Reconsideration and allowance of the above-referenced application are respectfully requested.

**I. STATUS OF THE CLAIMS**

Claims 1-3 and 25-27 are amended herein.

In view of the above, it is respectfully submitted that claims 1-42 are currently pending and under consideration in the present application.

**II. REJECTION OF CLAIMS 2 AND 3 UNDER 35 U.S.C. § 102(B) AS BEING CLEARLY ANTICIPATED BY PATE ET AL. (USP# 5,832,282)**

The present invention as recited in claim 2 (as amended herein), for example, relates to an electronic apparatus comprising "a processing ability control section responsive to the removal requirement for a battery from said removal requirement receipt section for lowering a processing ability while keeping the electronic apparatus operative."

Pate discloses a method and apparatus for implementing protected battery hot swapping in portable computers. Moreover, in column 1, lines 20-25, Pate discloses that a battery swap mode (BSM) is defined as a low power mode or sleep mode as recognized by those skilled in the art.

However, Pate differs from the claimed invention. For example, in column 1, lines 52-60, Pate teaches that the conditions to trigger the battery swap mode through generating a BSM signal. According to the conditions, a hard disk drive spins down, and the computer's LCD panel is turned off (see col. 2, lines 40-42). Thus, the computer 10 of Pate is not in an operative state during the BSM mode like the claimed electronic apparatus as recited in claim 2. Therefore, Pate does not disclose the features recited in claim 2 of the present invention.

Similar to claim 2, claim 3 (as amended herein) recites, "an electronic comprising... a processing ability control section responsive to a detection of a removal of a battery by said mounting and removal detection section for lowering a processing ability while keeping the electronic apparatus operative," which also distinguishes over the cited prior art.

In view of the above, it is respectfully submitted that the rejection is overcome.

**III. REJECTION OF CLAIMS 1, 4, 7, 9, 11, 13, 16, 18, 20, 22, 23 AND 25-42 UNDER 35 U.S.C. § 103(A) AS BEING UNPATENTABLE OVER HAYASHI ET AL. (USP# 5,963,010) AND FURTHER IN VIEW OF EGUCHI (USP# 6,177,779)**

The present invention as recited in claim 1 (as amended herein), for example, relates to an electronic apparatus comprising “a processing ability determination section responsive to the removal requirement for a battery from said removal requirement receipt section for determining whether a supplying possible electric power from the remaining batteries is an electric power capable of maintaining a processing ability or an electric power which needs to lower the processing ability” and “a processing ability control section for lowering the processing ability while keeping the electronic apparatus operative in accordance with a decision from said processing ability determination section that the electric power needs to lower the processing ability.”

Hayashi relates to a battery controller for controlling batteries of different kinds and more particularly to a battery controller for controlling batteries of different kinds, which are equipped in a portable information processing apparatus or communication apparatus. The Examiner indicates that Hayashi does not teach the claimed removal requirement receipt section.

However, it is respectfully submitted that Hayashi also does not teach or suggest the claimed processing ability determination section and processing ability control section as recited in claim 1. That is, according to Hayashi, output voltage of a battery being discharged is compared with previously set switching voltage so that stopping of operation of an apparatus being supplied with electric power by the battery is performed (see Abstract). In contrast, the present invention provides an electronic apparatus in which even if part of batteries is removed, the electronic apparatus is stably operative because the electronic apparatus includes a processing ability determination section that determines whether there is a need to lower a processing ability. Support the above-described determination process can be found, for example, on page 24, line 16 - page 27, line 8 and FIG. 7. Therefore, Hayashi does not teach or suggest the features recited in claim 1.

Eguchi relates to an information processing apparatus and an information processing method adapted for preventing instantaneous cut-off of power supply by removal (detachment) of a battery pack.

However, Eguchi does not teach or suggest the claimed processing ability determination section and processing ability control section as recited in claim 1. For example, in column 2, lines 4-12, Eguchi describes a mode control means that allows a battery to be in a passive mode

and then to be in a shut mode. Thus, in Eguchi, when electric power of a battery is lowered, a computer is not in an operative state.

In light of the above, it is submitted that Hayashi and Eguchi, either alone or in combination, do not teach or suggest the features recited in claim 1 of the present invention.

Similar to claim 1, claim 25 recites, “a processing ability determination section responsive to the removal requirement for a battery from said removal requirement receipt section for determining whether a supplying possible electric power from the remaining batteries only is an electric power capable of maintaining a processing ability or an electric power which needs to lower the processing ability” and “a processing ability alteration instruction section for instructing said electronic apparatus to lower the processing ability while keeping the electronic apparatus operative in accordance with a decision from said processing ability determination section that the electric power needs to lower the processing ability.”

Claim 26 recites, “a processing ability alteration instruction section responsive to the removal requirement for a battery from said removal requirement receipt section for instructing said electronic apparatus to lower the processing ability while keeping the electronic apparatus operative.”

Claim 27 recites, “a processing ability alteration instruction section responsive to a detection of a removal of a battery by said mounting and removal detection section for instructing said electronic apparatus to lower the processing ability while keeping the electronic apparatus operative.”

Therefore, it is submitted that Hayashi and Eguchi, either alone or in combination, do not teach or suggest the features recited in claims 25-27 of the present invention.

Claim 4, 7, 9, 11, 13, 16, 18, 20, 22 and 23 depend from claim 1, and claims 28-42 depend from either claim 25 or 26. Thus, for at least the reason that claims 1, 25 and 26 distinguish over the cited prior art, it is respectfully submitted that claims 4, 7, 9, 11, 13, 16, 18, 20, 22, 23 and 28-42 also distinguish over the cited prior art.

In view of the above, it is respectfully submitted that the rejection is overcome.

**IV. REJECTION OF CLAIMS 4-8, 10, 12, 14, 15, 19-21 AND 28 UNDER 35 U.S.C. § 103(A) OVER THE COMBINATIONS OF HAYASHI ET AL., EGUCHI, JACKSON ET AL. (USP# 6,601,179), AND ODAOHARA (USP# 5,784,626)**

The comments in sections II and III above, also apply here because claims 4-8, 10, 12,

14, 15 and 19-21 depend from either claim 1, 2 or 3, and claim 28 depends from claim 25. Thus, for at least the reason that claims 1, 2 and 3 distinguish over the cited prior art, it is respectfully submitted that claims 4-8, 10, 12, 14, 15, 19-21 and 28 also distinguish over the cited prior art.

In view of the above, it is respectfully submitted that the rejection is overcome.

**V. CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 8-16-04

By: Derrick L. Fields  
Derrick L. Fields  
Registration No. 50,133

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501